

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re ALANA S., a Person Coming Under
the Juvenile Court Law.

B208758 and B209034
(Los Angeles County Super. Ct.
No. CK39852)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

BRET H.,

Defendant and Appellant.

APPEALS from the orders of the Superior Court of Los Angeles County, Marilyn H. Mackel, Juvenile Court Referee, and Milton Simon, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Affirmed.

Maureen L. Keaney, under appointment by the Court of Appeal, for Defendant and Appellant.

Amy Z. Tobin, under appointment by the Court of Appeal, for Minor.

No appearance for Plaintiff and Respondent.

Bret H. (father) appeals from orders denying his petition under section 388 of the Welfare and Institutions Code¹ and terminating parental rights to Alana H. He makes no argument concerning the termination of parental rights, but contends the denial of his section 388 petition was an abuse of discretion. We affirm.

FACTS AND PROCEDURAL HISTORY

Alana was born in August 1995 to Elizabeth S. (mother) and father. Father was convicted in 1995 of voluntary manslaughter in violation of Penal Code section 192, subdivision (a), and attempted voluntary manslaughter. Father inflicted domestic violence on mother. Mother and father separated in 1997. A custody agreement gave mother custody and father visitation. For most of her life, Alana lived in the home of maternal grandmother, as mother had a long history of alcohol and drug abuse, unresolved mental problems, and abusive relationships with men. Maternal aunt, Jan W., provided care for Alana.

I. Alana's Prior Dependency Case

During visitation in his home, father inflicted emotional abuse and excessive, cruel punishment on Alana. The punishment included, but was not limited to, "locking [Alana] in a bathroom for extended periods of time and striking [Alana] about her body on numerous occasions." Alana was traumatized by the visits. These circumstances led the Department of Children and Family Services to intervene in late 1999, and Alana was declared a dependent of the court. Father received family reunification services and participated in domestic violence counseling, parenting, and conjoint counseling with

¹ All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

Alana. In 2000, father was convicted of contempt in violation of Penal Code section 166, subdivision (a). Alana was returned to mother's custody. In November 2002, dependency jurisdiction was terminated.

II. The Current Dependency Case

Three years later, the family was "in turmoil again and not much appear[ed] to have changed." Father was still easily provoked and aggravated, despite the counseling he received to address those issues. Alana saw him once a year. She had no relationship with him and feared him. Every time she saw father, she experienced a severe pain in her chest, which was a psychosomatic symptom caused by anxiety and emotional stress. She lacked a sense of security. Father had no insight into how his actions in the past had a negative impact on Alana and into the effect he had on her in the present. Father denied he physically abused Alana or locked her in the bathroom. He denied Alana was afraid of him. He believed she felt safe with him.

On January 29, 2006, Alana was home alone with maternal grandmother when maternal grandmother had a fatal stroke. The Department detained Alana with Jan on February 15, 2006.

Alana was declared a dependent of the court on April 18, 2006, based on sustained allegations under section 300, subdivision (b). The sustained allegation regarding father was that: there was a substantial risk Alana would suffer serious physical harm as a result of father's failure to supervise or protect Alana adequately in that Alana was a former dependent of the court due to father's physical abuse of Alana and domestic violence between father and mother in Alana's presence; father was convicted of voluntary manslaughter; and Alana was returned to home of mother and jurisdiction was terminated on November 26, 2002. Custody was taken from the parents, Alana was placed in Jan's home, and family reunification services were ordered. Father was granted monitored visits twice a week for two hours each, and the Department was granted discretion to

liberalize his visits. Father was ordered to participate in parenting, individual counseling, and conjoint counseling with Alana “when deemed appropriate by [Alana’s] therapist.”

A. Reunification Period

Father enrolled in individual counseling and parenting. Although he expressed a desire to be involved in Alana’s life, he visited infrequently and his visits were inconsistent and, at times, inappropriate. He did not understand Alana’s needs or how she felt toward him. Father spoke about Jan in a derogatory way. Father did not understand why Alana was fearful of him or that her fear may be reflective of past abuse. He continued to deny the sustained allegations that he inflicted domestic violence, participated in domestic violence in Alana’s presence, locked Alana in the bathroom, struck her about her body, and being convicted of voluntary manslaughter. Father stopped participating in counseling.

“The most important concern in this case . . . is Alana’s emotional health and well being. [She] is extremely frightened that she will be moved from [Jan’s home,] the one place she feels safe. . . . She would like to have **monitored** visits with her father once a week. [She] continues to express that she is fearful of her father because he is ‘loud’ and he scares her. [Father] is loud and very intense and his demeanor can be intimidating and abrasive. [He] does not appear to understand that Alana does not know him and is not comfortable around him. . . . Alana is so fearful of [him that] she is experiencing physical symptoms from anxiety. [It is extremely] important . . . for Alana to feel safe and secure in her environment. Alana is grieving the loss of her grandmother and in reality, the loss of her entire family. Alana’s parents have not been a stable and consistent part of her life and this is taking a toll on her both physically and mentally.”

Alana was diagnosed with Anxiety Disorder Not Otherwise Specified and Neglect of Child (victim). “Many of Alana’s anxiety symptoms seem to stem from her preoccupation with birth parent contact. . . . [Alana] does not wish to have contact with

either birth parent. . . . [She] indicated on her Sentence Completion Test that ‘My greatest worry is staying with my dad.’ ‘My parents are odd,’ I wish I had different parents,’ ‘The main trouble is having to see my dad,’ and ‘I want to know if I can change my dad.’ On the Trauma Sentence Checklist, she indicated that she has bad dreams ‘about staying with my dad’ During December 2006 and January 2007, there was a period of time when [father] did not schedule visits. Alana presented as happier and more relaxed during that time period and she stated to me that ‘I am enjoying not having to see my dad.’”

Alana was sad and anxious about the dependency proceedings. She “expressed a strong wish that the relationship with her aunt [(Jan)] be made permanent through adoption.”

Alana had a strong and affectionate relationship with Jan. Jan made sure that Alana received all the mental health services she needed. In Jan’s home, Alana did very well in school and was intelligent beyond her years.

Alana received weekly individual therapy for anxiety and depression. The goals of Alana’s therapy included assisting Alana to deal with “unresolved issues of anger toward [father].” She worked on stress, coping, and ways to communicate with father. Alana was extremely anxious about spending time with father and about the possibility of reuniting with him. “[Her] fear has led to duress and a medical visit for chest pains [and] ongoing obsessiveness.” On March 4, 2007, Alana had a panic attack when father called to see if he could watch her compete in a marathon. Alana became hysterical, dropped to the floor, and went into a fetal position. Three days later, Alana had trouble talking to the social worker about father. “Alana sobbed and covered her eyes with her hands. She avoided eye contact with [the social worker] and tended to put her head down and cry when she had to talk about her father. Alana clearly said she was afraid of him. . . . [She] indicated that she did not know her father and that she was not close with him. She reported that she did not remember him as a young girl and that when she got older he would see her ‘twice a month.’”

On March 12, 2007, the dependency court changed the visitation order to monitored visits in a therapeutic setting (conjoint counseling) to begin after father resumed individual counseling. Father falsely stated he was participating in individual counseling. After the hearing, father made angry and inappropriate telephone calls to Alana, including telling her he was the boss over her. The calls frightened her very much and were detrimental to her.

On April 17, 2007, Alana gave the social worker a letter she wrote, "About Dad." She stated she felt fear and frustration when he told her he was the boss and his words were more important than anything else. She asked why he did not fight for her when she lived with maternal grandmother; he did not even visit her at her home. Efforts to help Alana and her father get back together were useless because they had never been together. She felt better about her life than ever before and did not want it to change. "I don't feel like there is a connection between us, it feels like an awkward relationship. It doesn't feel like a father and daughter connection[;] it feels like he is my little brother trying to pull me down and stop me from moving on, which I want to do."

On April 26, 2007, the dependency court ordered "[f]ather and minor to be in conjoint counseling as soon as minor's therapist, father's therapist, and [the social worker] deem it appropriate." Father was ordered to have no phone contact with Alana and to participate in individual counseling as previously ordered. Father enrolled in individual therapy on May 3, 2007 and began weekly counseling on May 24, 2007.

Alana's therapist deemed conjoint sessions inappropriate. Alana did not want any contact with father. On May 29, 2007, the therapist reported Alana felt "current anxiety/distress in response to interactions and/or anticipated interactions with [father]." Despite this distress, Alana felt a significant increase in her sense of well-being since living with Jan. Alana was doing well in school, participating in appropriate activities, and forming appropriate relationships with adults and peers. Father had not satisfied the requirement of participating in his own individual counseling before the commencement of conjoint counseling. "Given Alana's history of trauma, grief/loss issues, and current

symptoms of anxiety, . . . conjoint sessions need to be thoughtfully implemented at an appropriate time.” “[B]oth Alana and [father] needed to become comfortable themselves and in therapy session before conjoint counseling can be implemented.” Conjoint counseling was premature: “the purpose of [father] entering individual therapy is to learn and exhibit appropriate methods of conduct and communication to be utilized with Alana. This writer [(Alana’s therapist)] feels that it is essential that an allotted amount of time for [father] to work on these matters pass--prior to the commencement of conjoint therapy.”

Jan’s adoptive home study was approved on May 31, 2007.

Conjoint counseling was still inappropriate in August 2007. Alana’s therapist reported: “Alana frequently expresses feeling happy, safe, and comfortable and points out how this is different from previous states of anxiety/fear often triggered by contact with her father. Alana continues to maintain that she has had the opportunity to ‘get to know her father’ in the past and is not interested in pursuing a relationship at this point in time. If the decision of the court is to enforce conjoint therapy, this writer wants to address that Alana and her father may have different goals in doing so. This writer would also feel concerned regarding the possibility of Alana regressing due to increased contact with her father. The other barrier is that I . . . will be departing from the agency at the end of August and therefore, Alana will be building a relationship with a new therapist. As I have stated in a previous report, it is integral that both Alana and her father have solid therapeutic relationships intact to increase feelings of safety and trust, before meeting in a conjoint session. I continue to ask that the courts hear from Alana, who is extremely capable of expressing herself with maturity, so that she has a voice in this process.”

B. Termination of Reunification Services

The review hearing under sections 366.21, subdivision (f), and 366.22 took place on October 29, 2007. Father was in therapy. Father did not seek custody or further reunification services; he wanted visitation in order to establish a relationship. He had

not seen Alana in nine months and had no contact since the previous April. Alana's therapist reported that Alana was making significant progress in therapy, which she felt was "due to feeling happy, safe, and comfortable with her caretaker. Alana states her life is different now that she does not have a relationship with her father. Alana identifies anxiety and fear when in the presence of her father. She has expressed not feeling that she will benefit from this relationship and on numerous occasions has stated she has no interest in having a relationship or conjoint sessions with her father at this time."

The dependency court found that reasonable services were given and return of Alana to father's custody would be detrimental. The dependency court terminated reunification services and set the matter for a permanent plan hearing under section 366.26 on February 25, 2008. The dependency court found that, early in her life, Alana was exposed to a substantial amount of violent, abusive behavior. Father had participated in programs for years to address his issues without achieving a substantial improvement in his ability to communicate with Alana. Father continued to abuse Alana with inappropriate communications, which was prolonging her struggle with post-traumatic stress.

The dependency court did not change the visitation order even though the court found there was sufficient evidence visitation created a substantial risk of detriment. Rather, the dependency court stated father and Alana should continue in individual counseling, and prior to the end of 2007, the therapists and the social worker should meet and make a recommendation regarding visits. Father stated the reason the case was in the dependency system was that a social worker was holding it against him that he had had sex with Jan.² Noting that father's conduct in the courtroom indicated a lack of control over impulsive communication, which would cause Alana stress if they were in conjoint sessions, the dependency court admonished father that "opening your mouth is more detrimental than keeping it closed."

² Jan denied this allegation.

Father petitioned for extraordinary writ review (Cal. Rules of Court, rule 8.452) of the orders made October 29, 2007, terminating reunification services and setting a hearing under section 366.26. Father contended reasonable reunification services were not provided. Concluding that substantial evidence supported the finding the services provided were reasonable, we denied the petition. (*In re Bret H.*, opn. filed Feb. 22, 2008.)

In Jan's home, Alana excelled in school and participated in extracurricular activities, but her fear of father did not subside. Jan wanted to provide Alana with a stable, permanent home. "Jan has always maintained that Alana has not had a chance to experience a typical childhood. This is Alana's second time in foster care and Jan wants to provide her a long-term stable home. [¶] Jan seems to be very sensitive to Alana's needs and feels very uncomfortable about Alana's reactions to her birth father. Jan indicated that Alana's parents had many years to develop a relationship with their daughter when she lived with her grandmother, but this never occurred. Jan's motivation seems to be genuine, not evoked by financial or vengeful reasons. It is [the social worker's] impression that Jan is vested in Alana and that she is stepping in to protect her, despite risking a family feud." Jan has known Alana since infancy and used to provide childcare for Alana when Alana was a toddler. Jan and Alana were very close to one another. "Alana has presented to be relaxed and happy in her aunt's presence. Alana indicated that she feels comfortable with her aunt and that she could talk to her aunt about anything. Alana has asked repeatedly to continue living with her aunt." "Although she feels Alana is a daughter to her, she would be willing to raise her as a niece to preserve the peace in her family (provided that Alana consented). [Jan] said she would be willing to sign a legally binding agreement for post-adoption contact."

Alana wanted Jan to adopt her. Alana "clearly informed [the social worker] that she did not wish to be reunified [with] her father, that she was afraid of him, and that she did not really know him." Alana said she would agree to periodic post-adoption contact with her birth parents.

Father blamed Alana's reluctance to have a relationship with him on Jan, whom he believed was presenting the idea in a negative light.

In mid-December 2007, the issue of conjoint sessions was addressed. Alana's therapist did not consent to starting sessions, because Alana was afraid of father and not ready. Alana stated she would be ready when she was older. Alana's therapist therefore would not agree to visitation. In February 2008, Alana's therapist reported that "Alana's anxiety was really high about reuniting with father. She said she felt anxious not knowing when he'd call. [¶] . . . [¶] 'She just felt that she couldn't express herself and was unsure of how he would respond to her. She talked about times of when she was younger and she would have contact with him. She would not spend the night but she would have day visits but not feeling comfortable.'"

C. Father's Section 388 Petition to Reinstate Reunification Services

On February 25, 2008, father filed a petition under section 388 to vacate the orders of October 29, 2007, terminating reunification services and setting a section 366.26 hearing and reinstate reunification services, with visitation between father and child to begin immediately. Father alleged that he had not visited Alana in a year. He alleged that he had continued in individual counseling and the fatherhood group program and, to date, had attended a total of 45 individual counseling sessions. An exhibit attached to the petition showed that father continued in individual counseling.

On February 25, 2008, the dependency court set the petition for a hearing on April 21, 2008, and continued the section 366.26 hearing to April 21, 2008, for a contested hearing. Both Alana and father were in the courtroom. Father upset her and made her cry by trying to talk to her about something she did not want to talk about. The dependency court admonished father to remember that his visits were ordered to be monitored and the courtroom is not a place to attempt to have a visit. The dependency court reiterated the order that conjoint counseling was not to occur until both Alana's

therapist and the social worker consented to it.

Contrary to the dependency court's order, the Department told Alana's therapist that conjoint sessions must commence in spite of Alana's therapist's concerns.

On April 3, 2008, Alana and father had their first visit in a therapeutic setting. Alana's therapist was the conjoint therapist. Alana was tearful, suffered from a stabbing pain in her stomach prior to this visit, and felt frustrated. She wanted to sit by the door so she could leave if she felt anxious. During the visit, she appeared irritable, alert, and engaged. She reported feeling tired.

On April 5 and 8, 2008, Alana underwent a mental health assessment at Children's Hospital Los Angeles. "Despite Alana's positive progress [during two years of living with Jan],[³] . . . it is essential not to overlook her vulnerabilities. These vulnerabilities include extreme anxiety (witnessed by aunt as looking like she is 'terrified') that can be triggered by certain situations, somatization of psychological tensions (meaning she literally feels nausea or stabbing sensations in her 'whole body' given certain stressors), and both observed (by her aunt) and experienced (by her) feelings of depersonalization when she is forced to cope beyond her healthy capabilities. Aunt notes that she can also be rigid about certain details, arrangement of objects in her room, and plans and that she becomes very distressed when she cannot rely on things to be as she expects. In the past several weeks Alana has had a couple of experiences which have triggered her anxious symptoms and she reports that she again experienced the paralyzing anxiety, nausea and pains in her body and feelings of depersonalization triggered by incidents that she associates to the past. When asked if she felt like she could express her wants and needs to people, Alana responded that for the most part she thinks she can, but in some situations she is afraid they 'might get mad at me.' [¶] In considering future treatment,

³ For example, the Department reported Alana was mentally and emotionally stable, developing well, healthy, well-adjusted in Jan's home, and emotionally bonded to Jan. Alana and Jan had positive and loving interactions. Alana excelled academically and in extracurricular activities, and participated in weekly individual counseling. Jan was providing an excellent level of care.

Alana needs a consistent atmosphere that will continue to promote healing and continued development of coping and self-sufficiency skills. She is bright, articulate and appears to be able to accurately report on her own feelings and emotional state. She is recommended to continue in individual therapy In addition, it is recommended that any changes in therapy be undertaken with careful consideration of her vulnerabilities and the risks to her emotional growth and well-being.” (Emphasis supplied in original.) The risk assessment indicated Alana had “significant problems managing . . . her feelings.”

Alana reported stomach pain prior to the conjoint session on April 17, 2008. During the session, she and father engaged in an activity which focused on rapport building. They negotiated and responded positively to the activity. Toward the end of the session, she reported feeling “tired.” “Alana reported increased comfort level[;] however[,] she continued to report somatic complaints.”

After the two therapeutic visits, Alana’s therapist stated: “Alana reported she learned ‘some small things about him that she thought were interesting.’ Based on the limited time with both parties (two 45 minute sessions) they appeared to begin to establish a new interest in knowing more about the other. However, more time would be needed to make a thorough assessment of the relationship.”

On April 21, 2008, the section 388 and section 366.26 hearings were continued to June 9, 2008. The dependency court stated that father’s behavior in court showed he had not changed; thus, the court was inclined to deny the section 388 petition. While noting that the Department had erroneously initiated therapeutic visits without Alana’s therapist’s consent, the dependency court nonetheless ordered conjoint counseling to continue because it had been started. The agency providing the conjoint sessions declined to provide further conjoint counseling, and efforts to find another conjoint counselor were delayed by an error by father’s counselor in identifying another counselor.

D. Denial of Section 388 Petition and Termination of Parental Rights

The hearing on the section 388 petition was held on June 9, 2008. Father was not present and had not told his attorney he would not be there. Alana asked the dependency court to deny the petition. The petition was denied. The dependency court explained that the reason it ordered conjoint counseling when Alana's therapist determined Alana was ready was not for purposes of reunification but was to create an opportunity for Alana to develop a positive relationship with father, no matter what the ultimate permanent plan would be. The dependency court found that, although father has participated in a parenting group and in individual therapy, "We have not seen the substantive changes occurring within the father, . . . such that he can communicate positively and less traumatically to his child. [¶] We have not seen that his participation in the case plan has brought about a change of circumstances such that it would be in the best interest to grant the 388 petition[.] [¶] There are lots of reasons for that. . . . [¶] We have a child showing constant psychosomatic signs[,] clear signs of post traumatic stress surrounding the child's relationship with her father or lack thereof. [¶] We have a father who has some . . . pretty strong issues of impulse control that can become very frightening for his child who has had a very frightening history of her very young years with her father and her mother. [¶] . . . What this court would have to find [is] that the father's personality after two years is going to change and become such that the child can positively relate to him and that would be a beneficial relationship for her[:] that would be a leap that the court can't make at this time. We need to look towards permanency. [¶] . . . [¶] We do not see that the changed circumstances are such that it would be in the best interest of the child to reinstate reunification services. What we would do is put this child in further limbo and further instability and increase[] [further] the . . . levels of stress and trauma that she is already experiencing[,] the psychosomatic symptoms. [¶] At this point in time we have provided all that we can provide in an effort to support the father's reunification service efforts and the time has well run and we are not going to reinstate reunification

service on this matter.”

After denying the section 388 petition, the dependency court continued the matter to June 24, 2008, for a section 366.26 hearing. Father timely appealed the denial of the section 388 petition.

On June 24, 2008, parental rights were terminated. Father timely appealed the termination of parental rights.

DISCUSSION

Father’s Section 388 Petition was Properly Denied

Father contends denial of his section 388 petition requesting reinstatement of reunification services was an abuse of discretion. The dependency court did not abuse its discretion.

Under section 388,⁴ the dependency court should modify an order if circumstances have changed such that it would be in the child’s best interests for the modification to be made. (*In re Kimberly F.* (1997) 56 Cal.App.4th 519, 526 & fn. 5.) “Whether a previously made order should be modified rests within the dependency court’s discretion, and its determination will not be disturbed on appeal unless an abuse of discretion is clearly established.” (*In re Michael B.* (1992) 8 Cal.App.4th 1698, 1704.) Abuse of discretion is established if the determination is not supported by substantial evidence. (*Michael U. v. Jamie B.* (1985) 39 Cal.3d 787, 796.) The party requesting the change of order has the burden of proof. (Cal. Rules of Court, rule 5.570(h)(1); *In re Michael B.*,

⁴ Section 388 provides in pertinent part that a parent “may, upon grounds of change of circumstance or new evidence, petition the court . . . for a hearing to change, modify, or set aside any order of court previously made [¶] . . . [¶] If it appears that the best interests of the child may be promoted by the proposed change of order, . . . the court shall order that a hearing be held[.]”

supra, at p. 1703.) “[O]ur Supreme Court made it very clear in [*In re Jasmon O.* (1994) 8 Cal.4th 398, 408, 414-422] that the disruption of an existing psychological bond between dependent children and their *caretakers* is an extremely important factor bearing on any section 388 motion.” (*In re Kimberly F.*, *supra*, at p. 531.)

Once reunification services are terminated, the focus shifts from reunification to the child’s need for permanency and stability, and a section 366.26 hearing to select and implement a permanent plan must be held within 120 days. (*In re Marilyn H.* (1993) 5 Cal.4th 295, 309.) For a parent “to revive the reunification issue,” the parent must prove under section 388 that circumstances have changed such that reunification is in the child’s best interest. (*Id.* at pp. 309-310.) “In deciding what services or placement are best for the child, time is of the essence. ‘After reunification efforts have failed, it is not only important to seek an appropriate permanent solution—usually adoption when possible—it is also important to *implement* that solution reasonably promptly to minimize the time during which the child is in legal limbo. . . . Courts should strive to give the child [a] stable, permanent placement, and [a] full emotional commitment, as promptly as reasonably possible consistent with protecting the parties’ rights and making a reasoned decision.’ [Citations.] ‘It is undisputed that children require secure, stable, long-term, continuous relationships with their parents or foster parents. There is little that can be as detrimental to a child’s sound development as uncertainty over whether he is to remain in his current “home,” under the care of his parents or foster parents, especially when such uncertainty is prolonged.’ [Citation.]” (*In re Josiah Z.* (2005) 36 Cal.4th 664, 674.) “While [the up to 22 months that must pass before a section 366.26 hearing is held] may not seem a long period of time to an adult, it can be a lifetime to a young child. Childhood does not wait for the parent to become adequate.” (*In re Marilyn H.*, *supra*, 5 Cal.4th at p. 310.)

In this case, father did not request that the dependency court return Alana to his custody. He asked for additional reunification services. However, the 18-month time period for court-ordered reunification services had previously expired on August 15,

2007.⁵ The dependency court properly considered the length of the dependency proceedings in denying father's petition, as the statutorily-authorized time period for ordering reunification services had expired prior to the section 388 hearing.

Overwhelming evidence supports the conclusion that circumstances had not sufficiently changed to warrant finding that further reunification services were in Alana's best interest. The following circumstances existed when reunification services were terminated in October 2007. Alana had a strong, secure, and affectionate relationship with Jan and no meaningful relationship with father. Alana strongly wished to be adopted by Jan and the idea that she might be removed from Jan's custody filled her with terror. Fearful of father, Alana experienced severe anxiety and somatic symptoms at the prospect of contact with him. Father's contact with Alana was at times inappropriate and abusive. Father had participated in rehabilitation programs for years without a substantial shift in his acceptance of responsibility for Alana's emotional vulnerabilities or in his ability to communicate with Alana. He inflicted inappropriate communications which traumatized her; and father sought visitation, not custody. Not one of these circumstances changed by the time the section 388 petition was heard. Moreover, Alana's best interest required rejecting delay and proceeding expeditiously to the permanency and stability of adoption. Neither parent ever provided her with a safe and nurturing home. This was her second time in foster care, and permanency was long overdue. In a permanent plan of adoption by Jan, Alana will no longer need to fear removal from Jan's home or unwanted contact with father. Denial of the section 388 petition was not an abuse of discretion.

⁵ Reunification services are statutorily limited to 18 months from the date the child is detained from the parent's physical custody. (§ 361.5, subd. (a) ["court-ordered services may be extended up to a maximum time period not to exceed 18 months after the date the child was originally removed from physical custody of his or her parent or guardian"]; *Tonya M. v Superior Court* (2007) 42 Cal.4th 836, 843 ["The absolute maximum period for services is 18 months"].)

DISPOSITION

The orders are affirmed.

KRIEGLER, J.

We concur:

TURNER, P. J.

ARMSTRONG, J.